

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

030738

In re Application of: Lhing-Yew Li, et al.

Application No.: 10/067,974

Filed: February 8, 2002

For: Polynucleotide Constructs for Increased Lysine Production

Archer-Daniels-Midland

The owner\*, Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/722,441, filed on Nov. 28, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


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2. ☐ The undersigned is an attorney or agent of record.

 6/1/04  
Signature Date

David J. Smith, Executive Vice  
President, Secretary and General  
Counsel, Archer-Daniels-Midland Company

Typed or printed name

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